

PATENT

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#16
RI-61182/RBC/VEJ
Application No. 09/375,164
Filed: August 16, 1999
Art Unit: 3727

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian M. Adams *et al.*

Application No. 09/375,164

Filed: **August 16, 1999**

For: **SPILL-REDUCTION CAP FOR
FLUID CONTAINER**

Art Unit: **3727**

Examiner: **Stephen K. Cronin**

Docket No.: **RI-61182/RBC/VEJ**

CERTIFICATE OF MAIL (37 CFR 1.8(A))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Box AF, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202 on

4-1-02
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TERMINAL DISCLAIMER

Box AF
Assistant Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Sir:

The undersigned is an attorney of record in the above-identified application.

Portola Packaging, Inc., a Delaware corporation having offices at 890 Faulstich Court San Jose, CA 95112, is the owner of the entire right, title and interest in (1) the above-identified application as evidenced by an Assignment recorded in the U.S. Patent and Trademark Office on July 7, 1995 at Reel/Frame 7671/0197, and (2) U.S. Patent No. 5,513,763 issued on May 7, 1996 entitled *CAP FOR FLUID CONTAINER WITH THREADED NECK*.

Portola Packaging, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond

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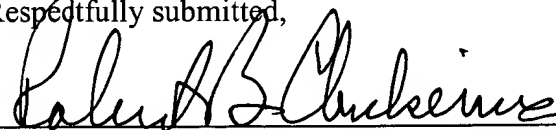
the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,513,763. Portola Packaging, Inc. hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Portola Packaging, Inc. does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of prior Patent No. 5,513,763, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 06-1300 (Order No. RI-61182/RBC/VEJ).

Date: 4/1/02

Respectfully submitted,


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